

## QCSR and Statistics Frequently Asked Questions (FAQs)

**Last Updated 11/14/03**

*These questions have been raised by trial courts and their staff. The Judicial Administration Committee of the Indiana Judicial Conference has offered their insight and evaluation on many of the questions. These questions also concern fees the clerk should charge for a particular case, especially if that case has been issued a miscellaneous case number.*

1. Q. Should **will contests** continue under the existing estate case number or should they receive a new case number?  
A. The will contests should continue under the existing estate case number.
2. Q. An **estate** is closed, but as part of the estate a **supervised trust** is established. Should the supervised trust get a new TR number and should a **filing fee** be assessed?  
A. The supervised trust should be issued a new TR number and a regular filing fee should be assessed.
3. Q. What case type should be assigned to an **estate** that is opened only for the purpose of filing an **inheritance tax return**?  
A. Issue an MI number. No fees should be collected, and this case SHOULD NOT be counted for the purposes of the statistical report.
4. Q. How should case numbers be assigned in a **termination of parental rights** case involving **multiple children** and **different placements** at different times?  
A. A separate termination order should be entered for each child. Separate case numbers are advisable especially if the children will have different placements.
5. Q. How should case numbers be issued in **CHINS** or **JP** cases when several children in the same family are involved?  
A. Each child should be given a separate JP or CHINS number.
6. Q. When a petition for **adult protective services** is filed, should it receive a **GU** or **MI** case number?  
A. Issue an MI case number.
7. Q. If a petition for **adult protective services** is filed by a party such as children of adult, or by an adult protective services organization, what should the **filing fee** be?  
A. A party such as the children of an adult may be granted a waiver of fee at the discretion of the judge. Adult protective services organizations may also be granted charitable waiver of the fee.
8. Q. If a petition for request to **compromise wrongful death claim** is filed, what type of case number should be assigned and what filing fee should be assessed?  
A. Either an MI or a GU number may be appropriate. If the case involves a minor or if the amount in controversy is over \$3000, issue a GU number. Otherwise, an MI number may be issued.

9. Q. When a **search** or **arrest warrant** is issued before charges are filed, what is the appropriate case type?
- A. Issue an MC case number for these situations and count as disposed under the category of BENCH DISPOSITION, which was added to the quarterly report in January 1999.
10. Q. What case type should be assigned to a proceeding to reinstate a **driver's license** which has been **administratively suspended**?
- A. These situations should be given an MI case number, and a regular civil filing fee assessed. In the past, these cases were given an MC case number, despite the fact that they were civil in nature.
11. Q. What case type should be issued for **extradition hearings**?
- A. Extradition hearings fall into the MC case category.
12. Q. If an action is filed separately from an ongoing proceeding for **forfeiture of property** used in a crime, what type of case number should be issued?
- A. These actions should be given an MI case number and no fee should be charged. Previously, these actions were issued an MC case number.
13. Q. How should an action seeking the **return of property** used during the commission of a crime, and seized as evidence or for other purposes be handled?
- A. As long as the request is filed while the criminal proceeding is still pending, the action may be entered in the open case as a motion or petition without a separate case number or filing fee.
14. Q. Persons transferred for **probation** purposes get an MC number but do not count as cases. Should this be reconsidered?
- A. When supervision is approved, these may be counted as disposed in the category BENCH DISPOSITION, which is a new category added to the QCSR report in January 1999. If more than one court receives these cases and there is no local rule for assignment, rotate among the courts.
15. Q. What fee and case type should be used for a **petition for custody** filed by a child's **grandparents** if no other proceedings are pending?
- A. These cases should be counted as MI cases, and a regular civil filing fee assessed.
16. Q. How would a petition for grandparents' visitation be handled if no other proceeding is pending?
- A. Like the grandparents petition for custody, petitions for visitation should be counted as MI cases, and a regular civil filing fee assessed.
17. Q. If two parties file a petition **for legal separation**, what case type should be assigned, and what filing fee charged? Also, if the parties later proceed with a **petition for dissolution**, do they file under the open case number, or do they get a new case number which will be counted as new case with new filing fee?
- A. These cases should be issued a DR case type from the outset. If the case proceeds to dissolution, it will not receive a new case number but will continue to utilize the existing number opened with the legal separation petition.

18. Q. How should a **Habeas Corpus** case from a DOC inmate be categorized?
- A. These cases should be filed under an MI case number. Previously, these were filed as CP cases if filed independent of an ongoing proceeding.
19. Q. What should be done with court orders or documents which need to be indexed and easily located, but do not represent conventional court cases such as **tax warrants, jury payroll orders, grand jury reports, and pro tem appointments**?
- A. These documents should be given an MI number so they can be indexed and easily located. However, these MI case numbers should not be counted as cases for statistical reporting purposes. **Petitions to pay inheritance tax** only should also be filed as an MI case but not counted on the statistical report.
20. Q. How are **foreign judgments** handled?
- A. Foreign judgments can be filed for \$3.00. They should be given an MI case number, but they should not be counted as cases on the QCSR. If the party files for proceedings supplemental to enforce the foreign judgment, it should then be counted as an MI case, and a regular civil fee assessed. Although this situation is technically a redocketed matter, it is akin to actions for reciprocal support or petitions to modify support/custody/visitation which are filed in a court other than one where the original decree was issued.
21. Q. We count the **post conviction relief** in a separate category (PC), but if a new trial is granted, how should it be counted because it is technically a redocketed matter?
- A. The new case should be filed under the existing CF or CM number as if the case had come back from appeal.
22. Q. Petitions for **name change, appointment of appraisers and marriage waivers** are given MI case numbers and counted as MI cases. What **filing fee** is appropriate?
- A. These matters should be charged a regular civil filing fee, but the court may waive the fee, particularly in marriage waivers.
23. Q. If a **medical tort claim** is pending before the medical review board and the defense files a pleading with the court seeking a decision on a **corollary issue** (not a claim), but no case has been filed in the court, what case number should be issued?
- A. This pleading should be given an MI case number. When and if the tort is filed, it should receive a separate case number as a tort.
24. Q. Why are the **weighted caseload statistics** directed only at new filings and not all cases before the court, including venued in and transferred in cases?
- A. Caseload statistics are a measure of potential caseload in a particular court during a particular time period. Reasonably, all the cases which are before the court contribute to that potential caseload; however, the venued in and transferred in cases have already been counted as new cases in another court, and counting them as part of a transferred or venued caseload would result in double counting. On an individual basis, courts may wish to include venued and transferred cases for the purposes of their own internal planning.

## Support

25. Q. A petition for support of spouse or children with **no accompanying paternity** or **dissolution** is filed. What case type should be issued and what filing fee charged?
- A. These should continue to be counted as MI case types. Regular civil filing fees should be charged.
26. Q. What category should a support action pursuant to a **paternity affidavit** per IC 16-37-2-2.1(e) and 31-6-6.1-9.5 be counted under?
- A. These actions should continue to be counted as JP cases.
27. Q. If a **post-judgment petition for modification of support or custody** is filed in a court other than the court where the divorce was granted or paternity established, what case category would apply?
- A. If the modification relates to a case originating in that court, it is not counted because it is a redocketed matter. If the petition involves solely custody and not support, it should be filed as an MI action. Previously, we have counted all of these actions as RS case types.

## Dispositions

28. Q. In a **juvenile paternity** action, the father admits paternity. How should this be counted?
- A. If a witness is sworn, count this disposition as a Bench Trial. If no witnesses are sworn, count as a Bench Disposition, which is a new category added to the QCSR report in January 1999. Previously, these situations were counted uniformly as a Bench Trial.
29. Q. How do we effect a **transfer of a small claims** case to the plenary docket?
- A. The SC case should be listed as Transferred Out and a new CP case number issued as transferred in.
30. Q. How should **deferred prosecution agreements** be disposed?
- A. For statistical purposes, count them as deferred which is a new category added to the QCSR report in January 2002. They should be counted when the defendant is given the option. This does not legally dismiss the case. If the prosecutor decides to prosecute at a later date, the court should redocket the case.